



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET, Rm. 3-177
NEW YORK, NY 10007

ALAN H. SCHEINER
Special Federal Litigation Division
phone: (212) 356-3455
fax: (212) 356-0399
email: ascheine@law.nyc.gov

June 10, 2022

Via ECF

Hon. P. Kevin Castel
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Miller et al. v. City of New York et al.*, 21 Civ. 2616 (PKC)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York (the “City”), counsel for defendants in this matter. I write to respectfully request an adjournment of time for defendants to respond to plaintiffs’ letter of May 26, 2022, requesting a conference with the Court, to June 17, 2022, with the conference to be held on a date convenient for the Court thereafter. Plaintiffs have consented to the request.¹

This request is made because the City had no effective notice of the plaintiffs’ filing of the letter. On April 29, 2022, defendants moved to substitute counsel, adding the undersigned, and the Court granted the motion on May 2, 2022 (ECF Nos. 53, 54). For unknown reasons, however, no new counsel for defendants was not added to the docket and, as a result, no attorney at the NYC Law Department working on the matter received ECF notice of the filing of the letter. Nor did plaintiffs’ counsel provide a copy of the letter or otherwise signal that a letter had been filed. Defendants’ counsel first learned yesterday evening of the plaintiffs’ letter and the error in the ECF system.

¹ Plaintiffs’ letter seeks no relief other than a conference. Four days (May 31, 2022) is the shortest response time that might apply to plaintiffs’ letter under the Court’s Individual practices, but fourteen days (June 11, 2022) under Local Rule 6.1 is more appropriate because the letter does not request an order under any specific discovery rule.

Defendants' consent in principle to the request for a conference. Defendants respectfully request, however, the opportunity respond prior to the conference to the plaintiffs' several arguments about the merits of their claims, discovery and class certification. Accordingly, defendants respectfully request that the Court allow defendants until June 17, 2022 to respond to the plaintiffs' letter.

We thank the Court for its consideration in this matter.

Respectfully submitted,
Alan H. Scheiner /s/
Alan H. Scheiner
Senior Counsel

cc (via ECF): All Counsel

Application GRANTED.

SO ORDERED.

Dated: New York, New York
June 13, 2022



P. Kevin Castel
United States District Judge